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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,794	08/16/2006	Walter Wolf	016906-0485	2048
22428 7590 09/04/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MILLER, SAMANTHA A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 09/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/574,794

**Applicant(s)**

WOLF ET AL.

**Examiner**

SAMANTHA A. MILLER

**Art Unit**

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 12/7/2007, 1/23/2008, 2/27/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Receipt of applicant's amendment filed on 4/4/2008 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over AUQUIER (2002/0102935) in view of KELMAN (5,354,114).

AUQUIER teaches:

1. A cavity of the basic body (para.0033) is a flow duct (12) for a medium flowing through the basic body and at least one flow control device (42) configured to control a flow rate of the medium, wherein the device is integrated with the basic body (para.0023).

2. The basic body is provided with a plurality of flow openings (40) for the entry and/or exit of the medium, said flow openings being arranged laterally, centrally, at the top and/or bottom of the basic body (Fig.1).

3. The flow control device (42) is arranged in a transition region (18) between two flow openings (Fig.1 shows 18 between the top most opening (40) and the bottom most opening (40) the opening on the right (40) and the center opening (40)).

4. The flow control device is arranged between a central flow opening (central 40) and a lateral flow opening (opening on right 40), (Fig.1 shows 18 between the top most opening (40) and the bottom most opening (40) the opening on the right (40) and the center opening (40)) wherein the flow control device, the central flow opening, and the lateral flow opening are part of the flow duct (12, by being interconnected).

7. The flow control device is designed as a control flap,

8. The flow control device is assigned at least one partition (76) (para.0027).

9. The flow control device, comprises at least two deflection elements (66, 68, 70) arranged about an axis of rotation (Fig.6), wherein one of the deflection elements is arranged displaceably between a first position that completely closes a central flow opening and a second position that completely opens the central flow opening (para.0023 and 0041), and the other deflection element is arranged displaceably between a third position that completely closes a lateral flow opening and a fourth position that completely opens the lateral flow opening (para.0023 and 0041).

10. The deflection elements (66,68,70) are configured to be activated in a coupled manner.

11. The deflection elements being moveable symmetrically and/or asymmetrically relative to each other (Fig.6).

12. The flow control device is designed as a separate, premanufactured module (that is put in (18)).

Regarding claims 13-18, refer to the rejection of claims 1-4 and 7-12

19. The flow control device is designed as a rocker flap, a roller flap or a butterfly flap (it rocks and roll to open and closed positions para.0023).

20. The central flow opening is a central nozzle (central 40, Fig.1) and the lateral flow opening is a side nozzle (opening on right 40, Fig.1).

AUQUIER teaches the invention described above. However, AUQUIER does not teach metallic basic body which is at least partially lined with plastic.

KELMAN teaches:

1. A metallic basic body (118) which is at least partially lined with plastic (120) (col.5 ll.6-15).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the body of AUQUIER in view of the material of KELMAN in order to enhance the capability of the duct cluster for energy management and cross car stiffness (KELMAN, col.5 ll.35-39)

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over AUQUIER in view of KELMAN in further view of KIM (6,254,175).

AUQUIER in view of KELMAN teaches the invention described above. However, AUQUIER in view of KELMAN does not teach a relationship which the axis of rotation of the flow control device run perpendicularly or horizontally to the flow opening.

KIM teaches:

5. The axis of rotation of the flow control device (1) runs perpendicularly to the flow opening (Fig. 5).

6. The axis of rotation of the flow control device runs horizontally to the flow opening (Fig.5).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the control device of AUQUIER in view of the placement of KIM in order to have a more instantaneous response to the user modifying the airflow.

### ***Response to Arguments***

Applicant's arguments filed 4/4/2008 in regards to the body material with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
Examiner  
Art Unit 3749

/Steven B. McAllister/  
Supervisory Patent Examiner, Art Unit 3749  
8/25/2008